

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GUILLERMO RAMON BARBA-MARTIN,

Defendant.

8:07PO4

ORDER

This matter is before the court on the joint motion to continue by defendant Guillermo Ramon Barba-Martin (Barba-Martin) (Filing No. 14). Barba-Martin seeks a continuance of the trial of this matter scheduled for October 10, 2007. Barba-Martin has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Barba-Martin consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The joint motion to continue trial (Filing No. 14) is granted.
2. Trial of this matter is re-scheduled for **1:30 p.m. on November 13, 2007**, before the undersigned magistrate judge. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 3, 2007 and November 13, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 3rd day of October, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge